

1 John Hsu  
2 P. O. Box 1255  
3 Berkeley, CA 94701  
H: (510) 841-5992

5 Plaintiff in pro per

FILED

JAN 29 2009

RICHARD W. WIEKING  
CLERK, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

8 STATES DISTRICT COURT  
9 NORTHERN DISTRICT OF CALIFORNIA

11 JOHN HSU,

) CASE NO: C 08-02586 MHP

12 Plaintiff,

) EX PARTE APPLICATION TO  
13 v. APPEND 5/22/08 EMPLOYMENT  
14 ) DISCRIMINATION COMPLAINT  
15 ) WITH NEWLY RECEIVED  
NOTICES OF SUIT RIGHTS;  
[PROPOSED] ORDER.

CALIFORNIA DEPARTMENT OF  
TOXIC SUBSTANCES CONTROL,

Hearing date:  
Hearing time:  
Courtroom: 15; 18<sup>th</sup> Floor  
450 Golden Gate Ave.  
San Francisco, CA 94102

16 and

17 JEFFREY WONG in his personal  
capacity,

Defendants.)  
Judge: The Honorable Marilyn  
Hall Patel

21 TO THE HONORABLE JUDGES OF THE COURT AND COUNSEL OF RECORD:

23 On 5/22/08, plaintiff John Hsu filed the Employment Discrimination Complaint in the  
24 above Case. At p. 3 under Item 12 of the Complaint, plaintiff requested leave of Court to  
25 append additional EEOC Right-to-Sue letters. Today, 1/27/09, plaintiff received the new  
26 Notices of Suit Rights, dated 1/26/09. Accordingly, plaintiff here respectfully applies to the  
27 Court for leave to append the 5/22/08 Employment Discrimination Complaint with the 1/26/09  
28 U. S. EEOC Notices of Suit Rights, copies attached.

1        This Application has already been faxed today (1/17/09) to the opposing counsel Lillian  
2 Tabe at California Department of Justice, 1515 Clay Street, 20<sup>th</sup> Floor, Oakland, CA 94612,  
3 FAX: (510) 622-2270. Plaintiff has also called Ms. Tabe at (510) 622-2246 to discuss the  
4 Application. Ms. Tabe believes that plaintiff should first contact the Court for a hearing date,  
5 but neither Ms. Table nor plaintiff is certain whether a hearing is actually required.

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7        Dated: January 27, 2009

Respectfully submitted,

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JOHN HSU, Plaintiff in pro per  
P. O. Box 1255  
Berkeley, CA 94701  
Tel.: (510) 841-5992  
E-mail: [shihlohsu@yahoo.com](mailto:shihlohsu@yahoo.com)  
(not readily accessible by plaintiff)

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**[PROPOSED] ORDER**

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Plaintiff's ex parte Application to Append plaintiff's 5/22/08 Employment  
Discrimination Complaint with the 1/26/09 Notices of Suit Rights is granted.

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IT IS SO ORDERED.

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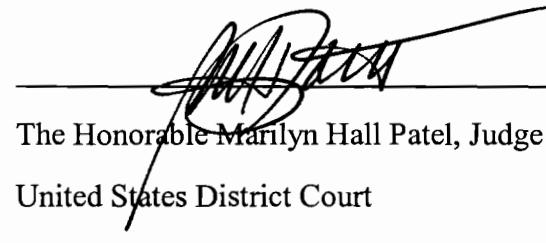
Date: 1/29/09

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The Honorable Marilyn Hall Patel, Judge  
United States District Court

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## U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

## DISMISSAL AND NOTICE OF RIGHTS

To: John Hsu  
P O Box 1255  
Berkeley, CA 94701

From: San Francisco District Office  
350 The Embarcadero  
Suite 500  
San Francisco, CA 94105



*On behalf of person(s) aggrieved whose identity is  
CONFIDENTIAL (29 CFR §1601.7(a))*

EEOC Charge No.

EEOC Representative

Telephone No.

550-2007-02171

Judy Furukawa,  
Investigator

(415) 625-5615

## THE EEOC IS CLOSING ITS FILE ON THIS CHARGE FOR THE FOLLOWING REASON:

- The facts alleged in the charge fail to state a claim under any of the statutes enforced by the EEOC.
- Your allegations did not involve a disability as defined by the Americans With Disabilities Act.
- The Respondent employs less than the required number of employees or is not otherwise covered by the statutes.
- Your charge was not timely filed with EEOC; in other words, you waited too long after the date(s) of the alleged discrimination to file your charge
- The EEOC issues the following determination: Based upon its investigation, the EEOC is unable to conclude that the information obtained establishes violations of the statutes. This does not certify that the respondent is in compliance with the statutes. No finding is made as to any other issues that might be construed as having been raised by this charge.
- The EEOC has adopted the findings of the state or local fair employment practices agency that investigated this charge.
- Other (briefly state)

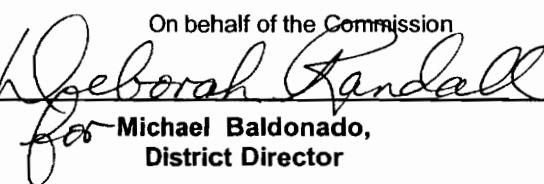
## - NOTICE OF SUIT RIGHTS -

(See the additional information attached to this form.)

**Title VII, the Americans with Disabilities Act, and/or the Age Discrimination in Employment Act:** This will be the only notice of dismissal and of your right to sue that we will send you. You may file a lawsuit against the respondent(s) under federal law based on this charge in federal or state court. Your lawsuit **must be filed WITHIN 90 DAYS** of your receipt of this notice; or your right to sue based on this charge will be lost. (The time limit for filing suit based on a state claim may be different.)

**Equal Pay Act (EPA):** EPA suits must be filed in federal or state court within 2 years (3 years for willful violations) of the alleged EPA underpayment. This means that backpay due for any violations that occurred **more than 2 years (3 years)** before you file suit may not be collectible.

On behalf of the Commission



for Michael Baldonado,  
District Director

1/26/09

(Date Mailed)

Enclosures(s)

cc: Ms. Cheryl Artega, Chief, Office of Civil Rights  
CA DEPT OF TOXIC SUBSTANCES CONTROL  
1001 "I" Street  
Sacramento, CA 95812-0806

## U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

## DISMISSAL AND NOTICE OF RIGHTS

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P. O. Box 1255  
Berkeley, CA 94701

From: San Francisco District Office  
350 The Embarcadero  
Suite 500  
San Francisco, CA 94105



*On behalf of person(s) aggrieved whose identity is  
CONFIDENTIAL (29 CFR §1601.7(a))*

EEOC Charge No.

EEOC Representative

Telephone No.

550-2007-02169

Judy Furukawa,  
Investigator

(415) 625-5615

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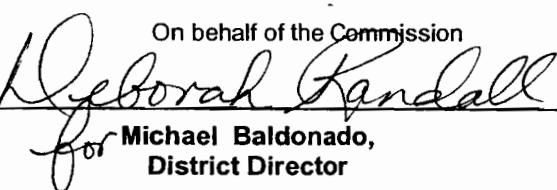
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On behalf of the Commission

  
 for Michael Baldonado,  
 District Director

1/26/09

(Date Mailed)

Enclosures(s)

cc: Mr. Ernesto Cordova, Acting Deputy Director  
CA. DEPT. OF HEALTH SERVICES  
P.O. Box 997377  
Sacramento, CA 95899-7377